

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK _____

TODD WHEELER KELLER

Plaintiff,

17-CV-

v.

MARY C. LOEWENGUTH
PATRICK J. HEALY
ROBERT H. JACKSON

Defendants.

NOTICE OF REMOVAL

TO: THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

Defendants, by their attorney, Michael S. Cerrone, Assistant United States Attorney,
for James P. Kennedy, Jr., United States Attorney for the Western District of New York,
respectfully represent as follows:

1. Mary C. Loewenguth, Patrick J. Healy, and Robert H. Jackson are defendants
in a civil action now pending in New York State Supreme Court, Erie County, entitled Todd
Wheeler Keller v. Mary C. Loewenguth, Patrick J. Healy, and Robert H. Jackson, Index No.:
160/2017 (the "State Action").

2. The State Action was commenced on or about November 21, 2017. A copy
of the plaintiff's complaint (and attachments) is attached as Exhibit 1 to the accompanying
Local Rule 81 index.

3. The complaint was delivered to defendants on or about November 21, 2017.

4. As of the date of this notice of removal, no trial has been held in the State Action.

5. The State Action is one which may be removed to federal court at any time before trial without bond pursuant to 28 U.S.C. § 1442(a)(1) and/or (3) because this is an action commenced against officers of the courts of the United States.

WHEREFORE, the State Action now pending in New York State Supreme Court, Erie County is hereby removed to the United States District Court for the Western District of New York.

DATED: Buffalo, New York, November 27, 2017.

JAMES P. KENNEDY, JR.
United States Attorney

BY: s/MICHAEL S. CERRONE
Assistant U.S. Attorney
U.S. Attorney's Office
Western District of New York
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Buffalo, New York 14202
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Defendants.

CERTIFICATE OF SERVICE

I hereby certify that on November 27, 2017, I have filed the foregoing **NOTICE OF REMOVAL** with the Clerk of the District Court.

I further certify that on November 27, 2017, I have mailed the foregoing **NOTICE OF REMOVAL**, by the United States Postal Service, to the following:

Todd Wheeler Keller
800 Exchange Street Road
Attica, New York 14011-9998

s/DIANE CARLSEN